

---Minutes: Leesburg Planning Commission March 15, 2001

The Leesburg Planning Commission met on Thursday, March 15, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy, L. Schonberger, W. Zawacki and Councilmember Umstattd. Absent was L. Werner. Staff members present for the meeting were Lee Phillips, Delane Parks, Nancy Costa, Randy Hodgson, Nick Colonna and Anne Marie Eaton.

MINUTES:

Commissioner Kennedy made a motion to approve the minutes of February 15, 2001 as submitted.

Motion: Kennedy
Second: Cable
Carried: 6-0

PETITIONERS:

Debbie Welsh, came forward to speak about Heritage High School. Mr. Phillips stated that before Ms. Welsh spoke he would like to have the citizens speak with the School Board as the Planning Commission meeting is being conducted and defer this item to the end of the agenda to see if any resolutions can be made. Ms. Welsh stated that that is acceptable to her.

Councilmember Umstattd suggested that the Petitioners section be held open until the end of the meeting and if the citizens concerns have not been addressed regarding Heritage High School by that time they will be given an opportunity to air their concerns to the Commission. That was acceptable to Ms. Welsh and the Commission.

COUNCILMANIC REPORT:

Councilmember Umstattd stated that several residents from Country Club addressed the Council on whether the issue of Bradfield Drive should be accelerated and the consensus of the residents that spoke was that Bradfield Drive should not be opened until traffic lights and Meade Drive and Route 15 and Woodlea Drive and Route 15 are put into place. She stated that the residents also requested that stop signs be put up as well and has requested that Bradfield Drive not be opened until those items are in place. Council is looking at that option.

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Councilmember Umstattd stated that she asked the Town Attorney if he could be available by phone during the Planning Commission meetings in case unexpected issues come up. She stated that the Town Attorney is agreeable to that and the Commission should let him know what they want to do.

Councilmember Umstattd stated that she is aware that Commissioner Zawacki will be bringing up Councilmember Zoldos' proposal that there be a citizens task force to look at infill policies around the Town along with other policies. She stated that Councilmember Atwell stated that this would duplicate the work of the Planning Commission.

PUBLIC HEARING:

Thomas Bishop Pipestem Variation Request - Mr. Parks stated that this is an application for three pipestem variation requests, he stated that the staff report indicates four, however one was removed because it did not apply.

Mr. Parks explained that the proposal is to subdivide the lot to create an additional lot which would be approximately one quarter acre in size and construct a single family residential detached dwelling on that new lot for family members.

Mr. Parks went over the location with the Commission along with more details of the application. He also went over some issues with the Commission that staff has with the request.

Mr. Parks stated that because staff has not heard from all of the public and there may be items that could come up at the meeting that are new, staff provided a recommendation not to take action at this meeting, but to carry it over to the next meeting. Mr. Parks stated that should the Commission wish to act on this application at this meeting staffs recommendation is for denial. He then went over the reasons for both.

Commissioner Kennedy asked if the Town would be able to tell how the water would flow onto existing properties. Mr. Parks stated that looking at the information that staff has there is a large area that feed in to the storm drain and he stated that there is the potential in a 100-year storm that the fill would effect the flow. He stated that there might need to be improvements to the drainage to avoid any type of impact.

Commissioner Cable asked what year the subdivision was created. Mr. Parks stated that he believes it was around 1986.

Commissioner Cable asked if there was a weighting criteria for the items of concern listed by staff in the report. Mr. Parks stated that the Town does not have a weighting system listed in any of its regulatory manuals.

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Councilmember Umstattd asked if the staff only looks at the relationship of the impact on road design and storm drainage on adjacent properties or is there a subjective element involving how surrounding homeowners feel it would impact their property. Mr. Parks stated that staff tries not to look at the “feelings” of the adjacent property owners, but look at matters that are concrete. Mr. Parks stated that if the staff were to receive more information regarding the design of the road perhaps staff would determine that the road is safe enough for an additional home.

Chairman Vaughan asked if there is a homeowners association. Mr. Parks stated that he believes that there is.

Chairman Vaughan asked at what point would the Town require a public street be placed in this pipestem. Mr. Parks stated that there is no “trigger”, but the Town does state that the maximum number of houses permitted in a pipestem is two.

Mr. Thomas Bishop, owner, came forward to speak. Mr. Bishop thanked the staff for all of their help on this matter.

Mr. Bishop stated that it is not his desire to subdivide the property; it is his desire to build a second home on his property as a retirement home for his elderly parents.

Mr. Bishop made a presentation to the Commission. In his presentation Mr. Bishop stated that the agreement between the three property owners for any construction on the properties or paving of the common drive is that it would require a majority vote of the property owners.

Mr. Bishop stated that his property is the only property that is dissected by the road and this is what makes his situation unique.

Mr. Bishop went down the list of staff concerns and addressed each one individually.

Commissioner Schonberger asked whether Shady Oak Lane was a driveway onto Mr. Bishop’s property with easements granted to 804 and 806 or whether it was shown as a roadway on the original plat. Mr. Bishop stated that the adjacent property owners have an easement through his property for access and utilities.

Commissioner Kennedy asked the date that Mr. Bishop’s house was built. Mr. Bishop stated that it was in 1986.

Commissioner Schonberger asked Mr. Parks if he is aware of any other situations within the Town where there are served by a common driveway where easements are granted. Mr. Parks stated that he is not aware of any.

Peter Moran, owner of 804 Shady Oak Lane, came forward to speak. Mr. Moran handed out a prepared statement to the Commissioners. He stated that he opposes the request for variation and went on to give the reasons listed in his statement.

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James Russell, owner of 806 Shady Oak Lane, came forward to speak. Mr. Russell stated that he would like to oppose the variation. He stated that he specifically opposes the addition of a new residence on Shady Oak Lane. He stated that he would support an addition to the current residence.

Commissioner Schonberger stated that whatever action the Commission may take has no impact on the private covenants that may run with the land as a result of the subdivision deed and/or deed of conveyance.

Dennis Savage, owner of 801 Shady Oak Lane, came forward to speak. Mr. Savage stated that he opposes the variation. He believes that it is detrimental to his property interest. Mr. Savage addressed the same issues as previously addressed by staff, the applicant and other property owners.

Kelly Howder, owner of 703 Country Club Drive, came forward to speak. Ms. Howder's concerns are the water run-off and the trees that Mr. Bishop is requesting be taken down.

Russ Plazonce, owner of 105 Foster Place, came forward to speak. Mr. Plazonce stated that he opposes the request for variation and he is also opposed to Mr. Bishop adding on to his house. Mr. Plazonce stated that he is also concerned about the drainage.

Chairman Vaughan closed the public hearing for this item and suggested that the Commission hold this application over to the next meeting on April 5, 2001.

SUBDIVISION AND LAND DEVELOPMENT

HERITAGE HIGH SCHOOL – Nick Colonna stated that the applicant and the residents have met and ironed out several issues and they would like to request that the Planning Commission defer this application to the March 29, 2001 meeting.

At this point there was a five-minute recess.

ZONING ITEMS

None

COMPREHENSIVE PLANNING ITEMS

ZM 2000-05 - POTOMAC CROSSING PRC, CONCEPT PLAN AND PROFFER AMENDMENT – Randy Hodgson

Mr. Hodgson explained that this application was originally approved in 1986 to include 590 single-family homes, 285 townhouses and a 39,000 square foot retail

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center and proffered 170 acres to the Northern Virginia Regional Park Authority (NVRPA) which became Balls Bluff Park and gave 20 acres of the 170 acres for a community park at Potomac Crossing and gave right-of-way at Battlefield Parkway.

Mr. Hodgson stated that since 1986 the project has undergone four-concept development plans and proffer amendments. The applicants are now proposing to change the concept development plan by replacing the 39,000 square foot neighborhood retail with 80,000 square feet of office building, replace 35 townhouses with a day care center, relocating the tennis courts, multi-purpose courts and play area from the 20 acre community park to land adjacent to Balls Bluff Elementary School. He stated that the applicants also wish to eliminate the 20-acre community park and replace 11 townhouses with a relocated picnic shelter and fitness trail and replace 143 townhouse units with 290 multi-family units.

Mr. Hodgson went over the changes proposed by the applicant along with staff's concerns where were listed in the staff report.

Commissioner Cable asked if staff believes that they have gone as far as they can go in compromising with the applicant. Mr. Hodgson stated he believes that staff and the applicant are still working together on this application.

Councilmember Umstattd asked how the Town would know if the apartment units are one, two or three bedroom units and is there a way to confirm the number of bedrooms. Mr. Hodgson stated that the applicant has proffered ten percent to be three bedroom units and the rest are one and two bedroom units.

Commissioner Schonberger asked if staff is active in discussing other alternatives that have been presented with the applicant. He stated that they are still discussing other alternatives.

Mr. Doug Fleming, agent for the applicant came forward to speak. Mr. Fleming gave some background information regarding the application.

Councilmember Umstattd stated that Mr. Fleming has said that they were marketing the apartment units to people interested in telecommuting and asked if there were certain amenities that were being offered and if those amenities were in the proffers. Mr. Fleming stated that there are no specifics at this time, however he will check into that and report back to the Commission at its April 5th meeting.

Commissioner Cable asked if the applicants had been meeting with the community and if so have to two sides come to terms with issues affecting the community. Mr. Fleming stated that Arcadia has had three or four meetings over the course of a year with the residents. He stated that they have also done a website which contains all of the information that Arcadia has available. This web site also allows people to send in questions, comments or concerns to Arcadia with the hope that it would encourage people that may not attend a meeting to weigh in.

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Commissioner Cable asked for the website address. Mr. Fleming stated that it is www.pcrezoning.com.

Commissioner Cable asked if a partial recommendation would be detrimental to the project. Mr. Fleming stated that he does not know it would depend on what parts were approved and what parts were denied.

Commissioner Kennedy stated that he believes that the Town needs more apartment complexes; it is very difficult to find an apartment in the Town of Leesburg at this time.

TP 2000-02 – TOWN PLAN AMENDMENT – POTOMAC CROSSING – Randy Hodgson

Mr. Hodgson stated that the concept plan does require a Town Plan Amendment to bring it into conformance with the Town Plan. Mr. Hodgson went over the concerns of staff regarding the concept development plan and the proffers with the Commission.

Councilmember Umstattd asked staff to explain their definition of enhancement as it refers to the enhancement of the “gateway” to the Town. Mr. Hodgson stated that staff is referring enhancing the use and providing more retail to the residents in that area.

Commissioner Vaughan stated that this application would be heard again at a public hearing on April 5th.

SE 2001-02 – LOUDOUN COUNTRY DAY – SPECIAL EXCEPTION – Nancy Costa

Ms. Costa stated that the applicant is proposing to add two additional classroom buildings and a gymnasium temporarily on the site. Ms. Costa went on to describe the current school uses. She stated that the classrooms are temporary because the school is planning on moving to another site in the future.

Ms. Costa explained the concerns that staff had as outlined in the staff report. She also presented some photos of the site for the Commission to review.

Commissioner Cable asked if the Town Code allows a permanent trailer on a school site. Ms. Costa stated that that is correct, it does not allow temporary, however it does allow trailers with a permanent foundation.

Commissioner Cable asked if staff has a time frame on when the school plans on moving to another site. Ms. Costa stated that she does not know, however the projected time frame that the applicants gave her is 2003-2004 school year.

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Commissioner Zawacki asked if she has received any feedback from the applicants regarding the conditions that staff has placed on the application for approval. Ms. Costa stated that she faxed the conditions to the applicant two days ago and has not heard from them since that time.

Chairman Vaughan asked if the adjacent property owners had been notified. Ms. Costa stated that the Town has not notified them. Chairman Vaughan stated that he would like to have the adjacent property owners notified. Ms. Costa stated that that would be done for the public hearing at the Town Council level.

Mr. Randy Hollister, Headmaster of Loudoun Country Day School came forward to speak. Mr. Hollister stated that he received the staff report two days ago and they are very eager to work cooperatively with staff on the issues. He stated that the school refers to the buildings as trailers, however they are classroom buildings and they meet the standard for permanent fixture because they are on a fixed foundation.

Mr. Hollister stated that he, the Board of Trustees and their engineer are just beginning to digest the information sent to him by staff and would like to address it at the next meeting.

Commissioner Cable asked what the time frame is for relocation of the school. Mr. Hollister stated that they are in the planning processes of expanding to the new site that was gifted to them in 1999. He stated that the plan is to be in Phase I of the process by 2003.

Commissioner Cable asked if there is currently lighting on the facility. Mr. Hollister stated that the front area of the school is well lit.

Chairman Vaughan stated that the Commission would act on this application at the April 5th meeting.

OLD AND NEW BUSINESS

DW 2001-01 – SIMPSON MIDDLE SCHOOL BUILDING ADDITION – Nick Colonna

Mr. Colonna stated that the application before the Planning Commission is for the certification of a no adverse impact for a 5,000 square foot addition to Simpson School. He stated that this is just to let the Planning Commission know that this action has occurred. He stated that staff has reviewed the application and determined that it does fall into the no adverse impact perimeters and has approved it.

Commissioner Cable stated that she attended the Town Council meeting on Tuesday night where the Council recognized Mr. Glikas and she would like to propose that the Commission give recognition to Mr. Glikas, Ms. Kearns and Ms. Rutherford.

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Commissioner Kennedy stated that he would recommend giving either a nice plaque or something like the planter that was given to Mary Mac when she left.

Chairman Vaughan asked Commissioner Kennedy to come up with a gift idea for the Commissioners that Commissioner Cable listed.

Commissioner Zawacki brought up the issue regarding a task force that Mr. Zoldos had proposed that the Council meeting on Tuesday night. He stated that he believes that the task force that Mr. Zoldos is proposing is exactly what the Planning Commission is charged to do.

Chairman Vaughan stated that he would like to have worksessions on March 22nd and March 29th to wrap up the bylaws and start working through the list that the Planning Commission put together at the retreat. He stated that he wants a two-hour meeting 7:00 p.m. until 9:00.

Commissioner Schonberger suggested that staff copy the relevant sections of the Virginia Code that explain how the Planning Commission is empowered with the duties Mr. Zoldos mentioned and he does not have the authority to create a task force.

Commissioner Cable stated that the Council did ask Councilmember Umstattd to bring this issue to the Planning Commission and she believes that it needs to be addressed.

COMMITTEE REPORTS

ECONOMIC DEVELOPMENT – There was an insert in the Commissions packet outlining what transpired at the Economic Development meeting.

Mr. Phillips stated that the Environmental Advisory Commission has requested a Planner as a liaison to their Commission.

Commissioner Cable stated that she would like to have a meeting next Thursday to discuss the bylaws.

Mr. Phillips asked who the Commission would like to attend the meeting. Chairman Vaughan stated that he would like a Clerk, the Town Attorney and Mike Tompkins to attend the meeting.

Chairman Vaughan asked when the Commission would hear the CIP. Mr. Hodgson stated that it would be coming to the Commission on April 5, 2001 as a public hearing item and a vote is expected at that time.

Commissioner Cable reminded the Commission to have their changes to the bylaws to her next week.

ADJOURNMENT

There being no further business the meeting adjourned at 11:00 p.m..